

Public Notice

**U.S. Army Corps
of Engineers**
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2008-669

Date: May 27, 2008

Notice No. 08-27

Closing Date: June 17, 2008

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. APPLICANT: Robert G. Harrison
Bellaire Harbor Service LLC
P.O. Box 29
Bellaire, OH 43906

AGENT: Robert Neill
River Salvage Company, Inc.
1290 Maple Street
Crescent, Pa 15046

3. LOCATION: Along the left bank of the Ohio River in the City of Wheeling, Ohio County, and City of Benwood, Marshall County, West Virginia between River miles 92.3 and 92.9.

4. PURPOSE AND DESCRIPTION OF WORK: The applicant proposes to upgrade their existing fleeting facilities by installing new fleeting facilities along the left bank of the Ohio River in the City of Wheeling, Ohio County, and City of Benwood, Marshall County, West Virginia between River miles 92.3 and 92.9. There will be an upstream river fleet and a downstream river fleet. The upstream fleet will consist of 7 jumbo lengths long (1365 feet) and 4 jumbo widths wide (140 feet). The downstream fleet will consist of 5 jumbo lengths long (975 feet) and 4 jumbo widths wide (140 feet). The fleets will be held in place by existing cables and chains from deadmen located on the river bank. The proposed facilities will also consist of clusters that serve to keep barges that are moored from being hung up on the river bank. The clusters will be placed between 25 and 35 feet riverward from normal pool waters edge. The top elevation of the clusters will be 647 feet, 24 feet above normal pool elevation, 623 feet. Each cluster will be constructed of three 12 inch heavy well pipes. Drawings of the proposed projects and site plans are attached to this notice.

5. ENCROACHMENT PERMIT: The applicant is required to obtain an encroachment permit which includes State 401 Water Quality Certification from the:

Pennsylvania Department of Environmental Protection
Southwest Regional Office
Soils and Waterways Section
400 Waterfront Drive
Pittsburgh, Pennsylvania 15222-4745

Telephone: 412-442-4000

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the Register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

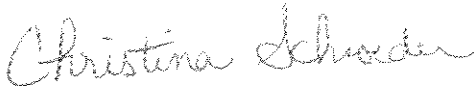
8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

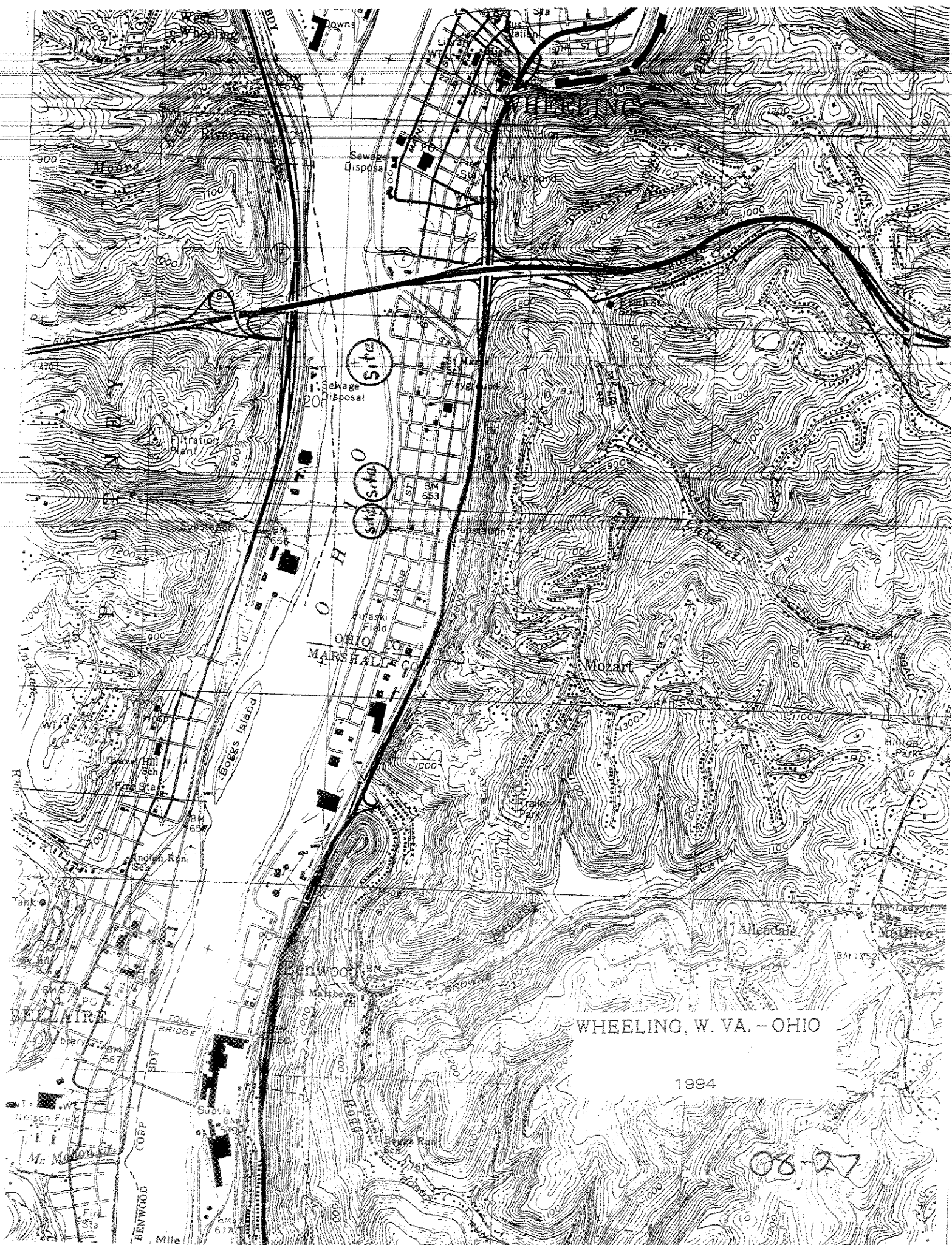
9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are

conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity.

10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Jon Coleman, at the above address, by telephoning (412) 395-7188, or by e-mail at jon.t.coleman@usace.army.mil Please refer to CELRP-OP-F 2008-669 in all responses.

FOR THE DISTRICT ENGINEER:

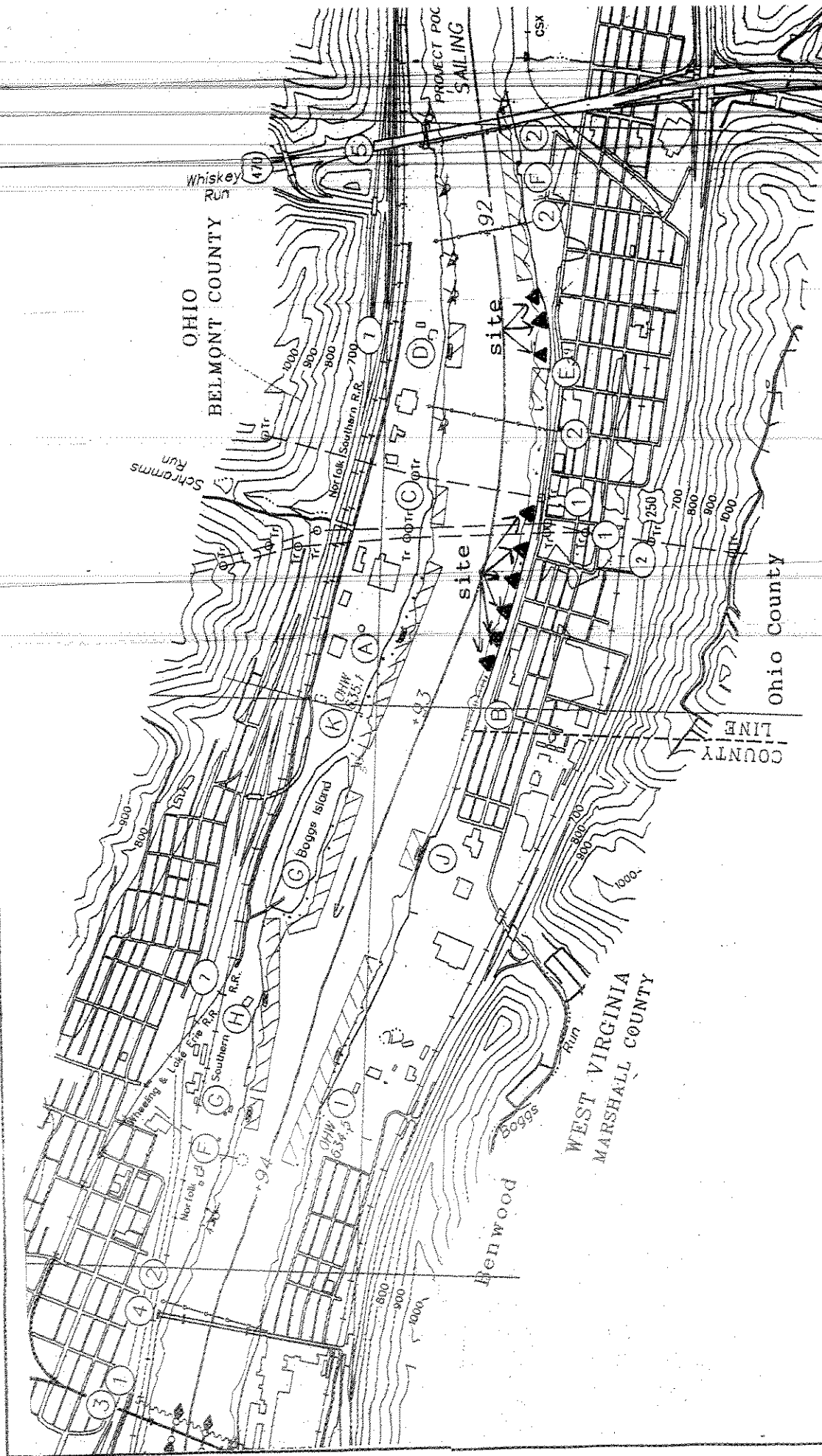

for Scott A. Hans
Chief, Regulatory Branch



WHEELING, W. VA. - OHIO

1994

08-27



Location information obtained from
Chart Nos. 196 & 197 - Ohio River
Navigation Charts - January 2003
prepared by Corps of Engineers - Pgh.

Bellaire Harbor Service
LLC
Location of proposed
clusters between miles
92.3 & 92.9
left bank, Ohio River
Wheeling, Ohio County,
West Virginia

BMS-1

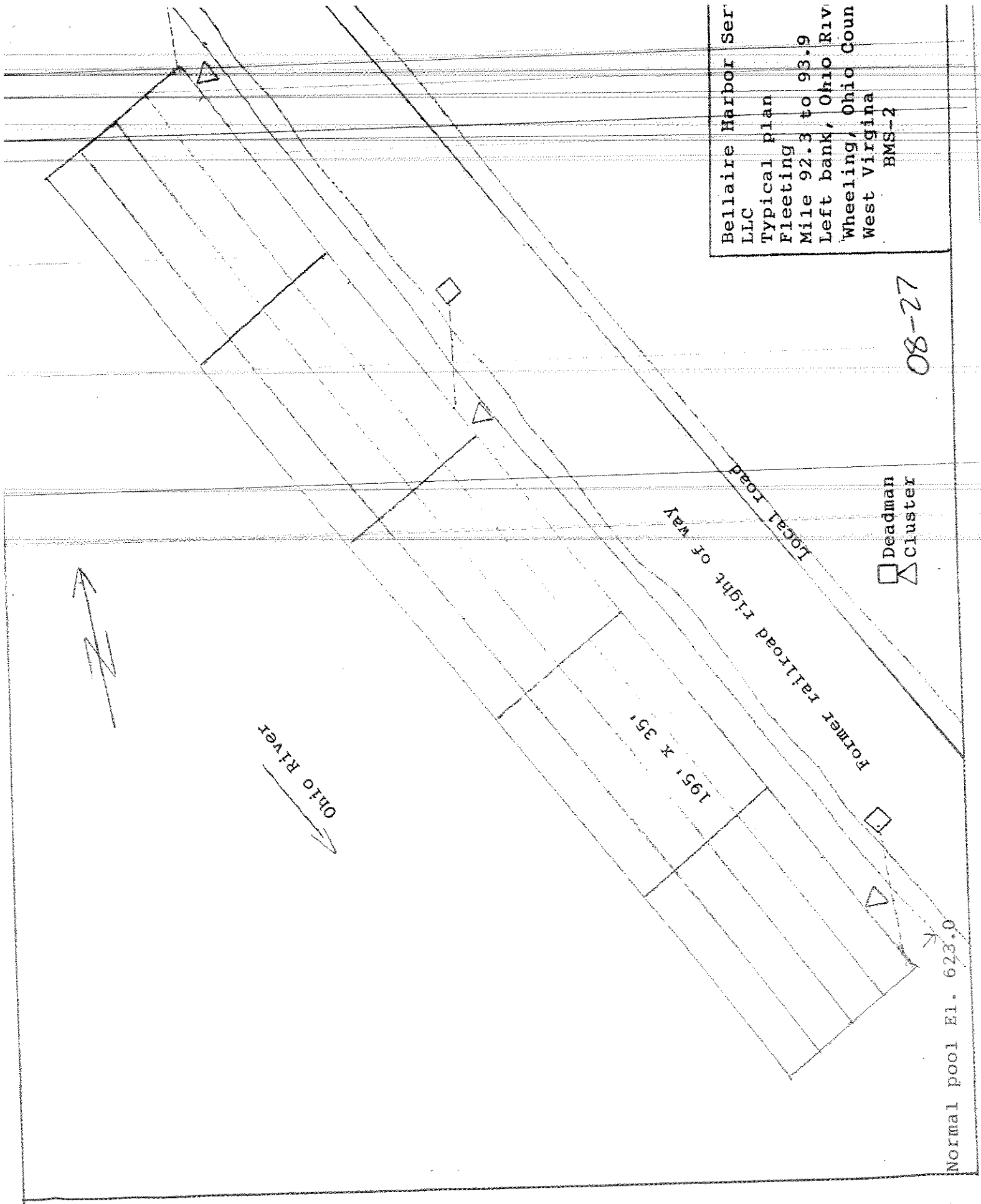
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Bellaire Harbor Ser
 LLC
 Typical plan
 Fleetling
 Mile 92.3 to 93.9
 Left bank, Ohio Riv
 Wheeling, Ohio Coun
 West Virginia
 BMS-2

08-27

☐ Deadman
☐ Cluster

Normal pool El. 623.0



road

100'

23'

35'

35'

35'

35'

Deadman El. 650.0

652.0 100 year
top el. 647.0

634.5 OHW

Normal pool el. 623.0

Bellaire Harbor Serv.
LLC
Typical Section
Fleeting Area
Mile 92.3 to 92.9
Left bank, Ohio River
Wheeling, Ohio County
West Virginia
BMS-3

08-27